

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BETTY ANNE WATERS, as)	
Administratrix of the Estate of)	
KENNETH WATERS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 04-10521-GAO
)	
TOWN OF AYER,)	
NANCY TAYLOR-HARRIS,)	
ARTHUR BOISSEAU,)	
BUDDY DECOT,)	
WILLIAM ADAMSON,)	
PHILIP L. CONNORS,)	
JOHN AND JANE DOES 1-16,)	
)	
Defendants.)	

ORDER ON PLAINTIFF’S MOTION TO COMPEL

Presently before the court is the plaintiff’s “Motion to Compel Production of Documents from Middlesex County District Attorney’s File Pursuant to Plaintiff’s Subpoena Duces Tecum” (Docket No. 49). After consideration of the parties’ submissions and their oral arguments, the court hereby ORDERS as follows:

1. The plaintiff’s motion to compel is ALLOWED as follows:
 - a. By **December 15, 2006**, both the Middlesex District Attorney’s Office (“D.A.”) and the State Police shall produce responsive documents relating to the crime at issue in this case that were created up through and including December 1, 2006.

- b. If the D.A. and/or the State Police contend that any responsive documents would interfere with an ongoing investigation, they may withhold such documents from production and list them on a privilege log, which shall be produced by **December 22, 2006**.
- c. The parties shall confer and attempt to resolve any disputes regarding the decision to withhold responsive documents. If the parties are unable to reach agreement, the D.A. and/or the State Police may file a motion for a protective order concerning the contested documents.

2. The plaintiff shall file a proposed scheduling order and shall indicate whether or not the defendants assent to the proposed deadlines set forth therein.

/s/ Judith Gail Dein

Judith Gail Dein
United States Magistrate Judge

Dated: December 1, 2006